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Attorneys at Law

August 4, 2011

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State Office

The Honorable G. Ross Anderson, Jr.  
United States District Judge  
315 South McDuffie Street, 2<sup>nd</sup> Floor  
Anderson, S.C. 29624

Re: United States of America vs. Schlumberger Technology Corp.,  
C. A. No. 8:06-308-GRA

Dear Judge Anderson:

As you know, our firm represents Upstate Forever, the Lake Hartwell Association, and the Pickens County Soil and Water Conservation District. I am writing to express our clients' grave concerns about the presence of the "haul road" in Twelve Mile River and the general status of the dredging project. We respectfully request that the Court take action to ensure that the overriding objective of the Consent Decree, namely, the restoration of the natural condition of the Twelve Mile River Gorge, is achieved.

As to the haul road, we appreciate the proactive manner in which the Natural Resource Trustees have addressed this issue and completely agree with their position that the sediment comprising this road must be removed and disposed of before the rest of the Woodside II dam is allowed to be dismantled. In its July 28, 2011 response to the Trustees, Schlumberger contends that it did not "move or adjust much, and certainly not most, of the shoal material used as a roadway." It further contends that the shoaled material moved downstream spontaneously from Station 42 to Station 57 when the water level was lowered and was pushed downstream from Station 57 to Station 68. These contentions are not supported by the observations of local residents, who have witnessed Schlumberger's contractor dredging sediment from the river, loading it onto large off-road dump trucks, and then spreading it onto the haul-road. The truth is that sediment excavated during the dredging operation was used to create this road.

In any event, how the haul road was created is not a critically important issue. The determinative factor is that leaving this road in the river (it is approximately 4,900 feet long and up to 70 feet wide) will make it impossible to restore the natural condition of the Twelve Mile River gorge and thereby comply with the Consent Decree. In its natural condition the gorge obviously did not contain this massive quantity (68,000 cubic yards) of sediment. The sediment, therefore, must be removed before the rest of the Woodside II dam is taken down.

The fact that 68,000 cubic yards of sediment have been deposited in the Woodside II project area in just a few months, when the U.S. Army Corps of Engineers sediment transport study predicts that

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only 20,000 cubic yards should be mobilized by the river in an entire year, clearly shows that the Woodside I dredging project was insufficient. The inadequate dredging now continues in the Woodside II project area as evidenced by the many weeks of murky water that leaves the project boundary with excessive turbidity and sediment loads.

As our clients have explained in previous testimony and submissions to the Court, it is also practicable to remove the unnatural floodplain sediments, many of which have excessive levels of PCBs. Right now a substantial portion of the Woodside II dam remains in place and is holding back most of this sediment. So there is still time, and it is still feasible, to remove the sediment and comply with the Consent Decree. But once the dam is dismantled, it will be too late.

I am sure that you read the article in *The Greenville News* last Sunday about the PCB cleanup project on the Hudson River. There are many lessons to be learned from this project, including the one explained by the director of EPA's Hudson River field office:

"Before any dam is taken out, I would sample the heck out of it. If we had known what that was, we would have dredged out everything before that dam was taken out."

It is hard to imagine a more complete vindication of our clients' position than this statement. Both the haul road and the unnatural floodplain sediments should be removed from the river before the rest of the dam is dismantled.

If the Court decides to hold a hearing on these issues, Dr. Dyck and I would be pleased to participate if you wish. Thank you again for your consideration of our clients' position.

Very truly yours,

*Rita Bolt Barker*

Rita Bolt Barker

cc: The Honorable William W. Wilkins  
Leon C. Harmon  
Representatives of Natural Resource Trustees  
All Counsel of Record